

BROADCAST MUSIC, INC.; STONE :  
DIAMOND MUSIC CORP.; and RONDOR :  
MUSIC INTERNATIONAL, INC. d/b/a IRVING :  
MUSIC.; :  
Plaintiffs, :  
  
v. : CIVIL ACTION NO.:  
  
RUNNEMEDE LODGING INVESTORS, INC. :  
d/b/a RUNNEMEDE INN & SUITES; and :  
BHAVESH PATEL, individually, :  
Defendants. :

under the laws of the State of New York. BMI's principal place of business is 7 World Trade Center, 250 Greenwich Street, New York, New York 10007. BMI has been granted the right to license the public performance rights in approximately 7.5 million copyrighted musical compositions (the "BMI Repertoire"), including those which are alleged herein to have been infringed.

4. The Plaintiffs other than BMI are the owners of the copyrights in the musical compositions, which are the subject of this lawsuit. All Plaintiffs are joined pursuant to Fed. R. Civ. P. 17(a) and 19(a).

5. Plaintiff Stone Diamond Music Corp. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

6. Plaintiff Rondor Music International, Inc. is a corporation doing business as Irving Music. This Plaintiff is the copyright owner of at least one of the songs in this matter.

7. Defendant Runnemedede Lodging Investors, Inc. is a corporation organized and existing under the laws of the state of New Jersey, which operates, maintains and controls an establishment known as Runnemedede Inn & Suites, located at 109 East 9<sup>th</sup> Avenue, Runnemedede, New Jersey 08078-1127, in this district (the "Establishment").

8. In connection with the operation of the Establishment, Defendant Runnemedede Lodging Investors, Inc. publicly performs musical compositions and/or causes musical compositions to be publicly performed.

9. Defendant Runnemedede Lodging Investors, Inc. has a direct financial interest in the Establishment.

10. Defendant Bhavesh Patel is the president of Defendant Runnemedede Lodging Investors, Inc. with primary responsibility for the operation and management of that corporation and

the Establishment.

11. Defendant Bhavesh Patel has the right and ability to supervise the activities of Defendant Runnemedede Lodging Investors, Inc. and a direct financial interest in that corporation and the Establishment.

### **CLAIMS OF COPYRIGHT INFRINGEMENT**

12. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 11.

13. Plaintiffs allege three (3) claims of willful copyright infringement, based upon Defendants' unauthorized public performance of musical compositions from the BMI Repertoire. All of the claims for copyright infringement joined in this Complaint are governed by the same legal rules and involve similar facts. Joinder of these claims will promote the convenient administration of justice and will avoid a multiplicity of separate, similar actions against Defendants.

14. Annexed to this Complaint as a schedule (the "Schedule") and incorporated herein is a list identifying some of the many musical compositions whose copyrights were infringed by Defendants. The Schedule contains information on the three (3) claims of copyright infringement at issue in this action. Each numbered claim has the following eight lines of information (all references to "Lines" are lines on the Schedule): Line 1 providing the claim number; Line 2 listing the title of the musical composition related to that claim; Line 3 identifying the writer(s) of the musical composition; Line 4 identifying the publisher(s) of the musical composition and the plaintiff(s) in this action pursuing the claim at issue; Line 5 providing the date on which the copyright registration was issued for the musical composition; Line 6 indicating the copyright registration number(s) for the musical composition; Line 7 showing the date(s) of infringement; and Line 8 identifying the Establishment where the infringement occurred.

15. For each musical composition identified on the Schedule, the person(s) named on Line 3 was the creator of that musical composition.

16. For each work identified on the Schedule, on or about the date(s) indicated on Line 5, the publisher(s) named on Line 4 (including any predecessors in interest), complied in all respects with the requirements of the Copyright Act and received from the Register of Copyrights Certificates of Registration bearing the number(s) listed on Line 6.

17. For each work identified on the Schedule, on the date(s) listed on Line 7, Plaintiff BMI was (and still is) the licensor of the public performance rights in the musical composition identified on Line 2. For each work identified on the Schedule, on the date(s) listed on Line 7, the Plaintiff(s) listed on Line 4 was (and still is) the owner of the copyright in the respective musical composition listed on Line 2.

18. For each work identified on the Schedule, on the date(s) listed on Line 7, Defendants publicly performed and/or caused to be publicly performed at the Establishment the musical composition identified on Line 2 without a license or permission to do so. Thus, Defendants have committed copyright infringement.

19. The specific acts of copyright infringement alleged in the Complaint, as well as Defendants' entire course of conduct, have caused and are causing Plaintiffs great and incalculable damage. By continuing to provide unauthorized public performances of works in the BMI Repertoire at the Establishment, Defendants threaten to continue committing copyright infringement. Unless this Court restrains Defendants from committing further acts of copyright infringement, Plaintiffs will suffer irreparable injury for which they have no adequate remedy at law.

WHEREFORE, Plaintiffs pray that:

(I) Defendants, their agents, servants, employees, and all persons acting under their permission and authority, be enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. Section 502;

(II) Defendants be ordered to pay statutory damages, pursuant to 17 U.S.C. Section 504(c);

(III) Defendants be ordered to pay costs, including a reasonable attorney's fee, pursuant to 17 U.S.C. Section 505; and

(IV) Plaintiffs be granted such other and further relief as is just and equitable.

Dated: September 30, 2013

Respectfully submitted,

**GIBBONS P.C.**

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*Attorneys for Plaintiffs*

## *Schedule*

Line 1	Claim No.	1
Line 2	Musical Composition	All I Need
Line 3	Writer(s)	Eddie Holland; Frank Wilson; R. Dean Taylor
Line 4	Publisher Plaintiff(s)	Stone Diamond Music Corp.
Line 5	Date(s) of Registration	3/14/67
Line 6	Registration No(s).	Ep 228918
Line 7	Date(s) of Infringement	07/28/2012
Line 8	Place of Infringement	Runnemedede Inn & Suites

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Line 1	Claim No.	2
Line 2	Musical Composition	Knock On Wood
Line 3	Writer(s)	Eddie Floyd; Steve Cropper
Line 4	Publisher Plaintiff(s)	Rondor Music International, Inc. d/b/a Irving Music
Line 5	Date(s) of Registration	7/22/66 5/21/73
Line 6	Registration No(s).	Eu 949771 Ep 318805
Line 7	Date(s) of Infringement	07/28/2012
Line 8	Place of Infringement	Runnemedede Inn & Suites

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Line 1	Claim No.	3
Line 2	Musical Composition	Take Me In Your Arms (Rock Me A Little While)
Line 3	Writer(s)	Eddie Holland; Lamont Dozier; Brian Holland
Line 4	Publisher Plaintiff(s)	Stone Diamond Music Corp.
Line 5	Date(s) of Registration	9/3/65 9/15/72 1/3/00
Line 6	Registration No(s).	Ep 206817 Ep 303245 RE 814-865
Line 7	Date(s) of Infringement	07/28/2012
Line 8	Place of Infringement	Runnemedede Inn & Suites

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